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Book 1852

CONSTITUTION
OF THE
UNITED STATES OF AMERICA,
AS
PROPOSED BY THE CONVENTION

HELD AT PHILADELPHIA, SEPTEMBER 17, 1787, AND SINCE RATIFIED BY
THE SEVERAL STATES;

WITH THE AMENDMENTS THERETO:

TO WHICH ARE ADDED

STANDING RULES AND ORDERS

FOR CONDUCTING BUSINESS IN THE
HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AND

THE RULES OF THE SENATE.

PRINTED FOR THE USE OF THE HOUSE OF REPRESENTATIVES.

WASHINGTON:

ROBERT ARMSTRONG, PRINTER.

1852.

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THE
CONSTITUTION

OF

THE UNITED STATES OF AMERICA.

CONSTITUTION.

WE, the people of the United States, in order to Preamble. form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be Congress. vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall Qualification of representatives. not have attained the age of twenty-five years,

and have been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportion-
ment of rep-
resentatives
and direct
taxes.

Census every
ten years.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island* and *Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

Vacancies,
how filled.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Representatives choose officers and bring impeachments.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Senate, how chosen.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Senators classed.

Vacancies, how filled.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Qualification of Senators.

The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

Vice President to preside.

Officers of
Senate.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

Trial of im-
peachments.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in
impeach-
ments.

Effect of.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION IV.

Elections,
when and
how held.

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Congress as-
semble an-
nually.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each house shall be the judge of the elections, ^{Elections,} returns and qualifications of its own members, ^{how judged.} and a majority of each shall constitute a quorum ^{Quorum.} to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in ^{Absent} ^{members.} such manner, and under such penalties as each house may provide.

Each house may determine the rules of its ^{Rules.} proceedings, punish its members for disorderly behaviour, and with the concurrence of two- ^{Expulsion.} thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, ^{Journals to be kept and published.} excepting such parts as may in their judgment require secrecy; and the yeas and nays of the ^{Yea} ^{and} ^{nays.} members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, ^{Adjournments.} shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive ^{Compensa-} ^{tion.} a compensation for their services, to be ascertained by law, and paid out of the Treasury of

Privileges. the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Members not appointed to office. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Officers of government cannot be members.

Revenue bills.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Bills to be presented to the President.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after

His powers over them.

Proceedings on his veto.

such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Bills to be laws if not returned in ten days.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Joint orders or resolutions to be approved by the President.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay

Powers of Congress to lay taxes—pay debts.

- General welfare.** the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States;
- Borrow money.** To borrow money on the credit of the United States;
- Commerce.** To regulate commerce with foreign nations and among the several States, and with the Indian tribes;
- Naturalization.** To establish a uniform rule of naturalization,
- Bankruptcy.** and uniform laws on the subject of bankruptcies throughout the United States;
- Coin money.** To coin money, regulate the value thereof, and
- Weights and measures.** of foreign coin, and fix the standard of weights and measures;
- Counterfeiting.** To provide for the punishment of counterfeiting the securities and current coin of the United States;
- Post roads.** To establish post offices and post roads;
- Promote arts and science.** To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;
- Inferior courts.** To constitute tribunals inferior to the Supreme Court;
- Piracies, &c.** To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;
- Declare war, and make captures.** To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Raise armies.

Navy.

Rules and articles of war.

Call out militia.

Organize and govern militia.

Officers of militia.

Exclusive legislation over seat of government,

And over forts, arsenals, docks, &c.

To make general laws to carry powers into effect.

SECTION IX.

Importation
of slaves
allowed till
1808.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas cor-
pus.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Attainder and
ex post facto
laws.

No bill of attainder or ex post facto law shall be passed.

Direct taxes.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No exporta-
tion duty.

No tax or duty shall be laid on articles exported from any State.

Commerce
between the
States.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

Money, how
drawn from
the treasury.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

To be pub-
lished.

No title of nobility shall be granted by the United States: and no person holding any office

No nobility.

of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state.

Foreign presents and titles.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainer, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Powers denied to the States.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Other powers denied to States.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Further denial of powers to States.

ARTICLE II.

SECTION I.

President of
the United
States.

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

Electors, how
appointed.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Electors to
meet and to
elect a Pre-
sident and
Vice Presi-
dent.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number

Their votes
counted in
Congress.

be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.*

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to

* This clause of the Constitution has been amended. See twelfth article of the amendments, page 33.

the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Removal,
death, &c.,
of President.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Compensa-
tion of Pre-
sident.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

Oath.

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION II.

The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies in office.

SECTION III.

Further powers and duties of the President.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

Impeachment.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

Judiciary, and tenure of judges.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated

times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases, Powers of the judiciary. in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall

Jurisdiction of Supreme Court.

Trials by jury.

And where held.

be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No corruption of blood.

The Congress shall have power to declare the punishment of treason; but no attainer of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Acts of States accredited.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

Privileges of citizenship.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives
from justice
to be deliv-
ered up.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Fugitive
slaves to be
delivered up.

SECTION III.

New States may be admitted by the Congress New States. into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of Territory and
other proper-
ty of United
States. and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

Republican
form of gov-
ernment.

Protection of
States.

The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the Executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

Amendments
of this Con-
stitution.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEO: WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

PENNSYLVANIA.

B. Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouv. Morris.

DELAWARE.

Geo. Read,
Gunning Bedford, jun.,
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.

James McHenry,
Dan. of St Thomas Jenifer,
Daniel Carroll.

VIRGINIA.

John Blair,
James Madison, jun.

NORTH CAROLINA.

William Blount,
Rich'd Dobbs Spaight,
Hu. Williamson.

SOUTH CAROLINA.

J. Rutledge,
Charles Coatesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.

William Few,
Abr. Baldwin.

Attest:

WILLIAM JACKSON, *Secretary.*

PROCEEDINGS
OF THE
CONVENTION WHICH FORMED THE CONSTITUTION.

IN CONVENTION.

MONDAY, *September 17, 1787.*

Resolved, That the preceding Constitution be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention that, as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution; that, after such publication, the electors should be appointed, and the Senators and Representatives elected; that the electors should meet on the day fixed for

the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention:

GEO: WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

LETTER OF THE CONVENTION TO THE OLD CONGRESS.

IN CONVENTION.

SEPTEMBER 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union: but the impropriety of delegating such extensive

trust to one body of men is evident; hence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and, on the present occasion, this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not, perhaps, to be expected; but each will doubtless consider that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as

few exceptions as could reasonably have been expected, we hope and believe. That it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your Excellency's most obedient, humble servants.

By unanimous order of the Convention:

GEO: WASHINGTON, *President.*

His Excellency the PRESIDENT OF CONGRESS.

PROCEEDINGS IN THE OLD CONGRESS.

UNITED STATES IN CONGRESS ASSEMBLED.

FRIDAY, *September 28, 1787.*

Present—New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia; and from Maryland, Mr. Ross.

Congress having received the report of the Convention lately assembled in Philadelphia—

Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case.

CHARLES THOMSON, *Secretary.*

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and

transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

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RULES AND ORDERS
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HOUSE OF REPRESENTATIVES,
AS IN FORCE
DURING THE SECOND SESSION
OF
THE THIRTY-SECOND CONGRESS.

STANDING RULES AND ORDERS

FOR CONDUCTING BUSINESS IN THE
HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.—*April 7, 1789.*

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members—*April 7, 1789*; on which appeal no member shall speak more than once, unless by leave of the House.*—*December 23, 1811.*

3. He shall rise to put a question, but may state it sitting.—*April 7, 1789.*

* Difficulties have often arisen as to a supposed discrepancy between the appeal contemplated in this rule and that referred to in rule 35. There is no discrepancy. The question of order mentioned in the second rule relates to motions or propositions, their applicability or relevancy, or their admissibility on the score of time, or in the order of business, &c. The “call to order” mentioned in rule 35, on which, in case of an appeal, there can be no debate, has reference only to “transgressions of the rules in speaking,” or to indecorum of any kind. See also rule 51, in which debate on an appeal, pending a call for the previous question, is prohibited.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say *Ay*;" and after the affirmative voice is expressed, "As many as are of the contrary opinion, say *No*;" If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.* If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House.—*April 7, 1789.* No division and count of the House by tellers shall be in order, but upon motion seconded by at least one-fifth of a quorum of the members.—*September 15, 1837.*

5. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.—*December 12, 1817.*

6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.—*December 23, 1811.*

* The manner of dividing the House, as originally established by the rule of April 17, 1789, was, that the members who voted in the affirmative went to the right of the Chair, those in the negative to the left. This was, doubtless, taken from the old practice of the House of Commons of England. The passing of the members to and fro across the House was found so inconvenient, and took up so much time, that the mode of dividing the House was, on the 9th of June, 1789, changed to the present form, the members of each side of the question rising in their seats and being there counted.

7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot;* and if upon such ballot the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.—*January 13, 1790.*

8. The first named member of any committee shall be the chairman; and in his absence, or being excused by the House, the next named member, and so on, as often as the case shall happen, unless the committee, by a majority of their number, elect a chairmant.—*December 28, 1805.*

* The rule, as originally adopted April 17, 1789, directed that the Speaker should appoint all committees, unless the number was directed to consist of more than three members; in which case, the ballot was to be resorted to.

† The occasion of this rule was this: Mr. John Cotton Smith, of Connecticut, had been chairman of the Committee of Claims for several years, and on the 5th November, 1804, was reappointed. On the succeeding day he was excused from service on the committee, and his colleague, Samuel W. Dana, was appointed “in his stead.” The committee considered Mr. Dana its chairman; he declined to act, contending that he was the tail. Being unable to agree, the committee laid the case before the House on the 20th November. Up to this time, there was no rule or regulation as to the head of a committee; the usage had been that the first named member acted; but it was usage only. The subject was referred to a committee. On the 22d November, 1804, the committee reported, and recommended that the first named member be the chairman; and in case of his absence, or of his being excused by the House, the committee should appoint a chairman by a majority of its votes. The House rejected this proposition. The Committee of Claims the next day notified the House that, unless some order was taken in the premises, no business could be done by the committee during the session; and thereupon, on the 20th December, 1805, the House adopted the above rule.

9. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.—*April 13, 1789.*

10. It shall be the duty of a committee to meet on the call of any two of its members, if the chairman be absent, or decline to appoint such meeting.—*December 20, 1805.*

11. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained.—*April 7, 1789.* And in all ballottings blanks shall be rejected, and not taken into the count in enumeration of votes, or reported by the tellers.—*September 15, 1837.*

12. In all cases of ballot* by the House, the Speaker shall vote; in other cases he shall not be required to vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.†—*April 7, 1789.*

In this case the Committee of Claims availed itself of the privilege contained in the last clause of the rule, and elected Mr. Dana chairman, much against his wishes.

* The word here used, in the original formation of the rule, was *election*. On the 14th January, 1840, it was changed to the word *ballot*.

† On a very important question, taken December 9, 1803, on an amendment to the Constitution, so as to change the form of voting for President and Vice President, which required a vote of two-thirds, there appeared 83 in the affirmative, and 42 in the negative; it wanted one vote in the affirmative to make the constitutional majority. The Speaker, (Macon,) notwithstanding this prohibition of the rule, claimed and obtained his right to vote, and voted in the affirmative; and it was by that vote that the amendment to the Constitution was carried. The right of the Speaker, as a member of the House, to vote on all questions, is secured by the Constitution; no act of the House can take it from him when he chooses to exercise it.

13. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.—*April 7, 1789.*

14. In all cases of election by the House of its officers, the vote shall be taken *viva voce*.—*December 10, 1839.*

15. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.—*November 13, 1794.*

16. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.—*March 14, 1794.*

17. No person except members of the Senate, their Secretary, Heads of Departments, Treasurer, Comptrollers, Registers, Auditors, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their secretaries, officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Governor, for the time being, of any State or Territory in the Union, such gentlemen as have been heads of departments or members of either branch of the National legislature, the members of the legislatures, for the time being, of the States and Territories, *January 14, 1850*; and, at the discretion of the Speaker, persons who belong to such legislatures of *foreign* governments as are in *amity* with the United States, shall be admitted within the hall of the House of Representatives;* and no person,

* The first rule for the admission within the hall of other than members, was adopted on the 7th January, 1802, and was confined to "Senators, officers

not known to the doorkeeper to be entitled to the privilege of the floor, shall enter the hall, unless the doorkeeper shall be informed by a member that the individual is entitled to admission under this rule, and in what capacity.—

January 14, 1850.

18. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.—*January 7, 1802; modified to present form, December 23, 1811.*

of the General and State Governments, Foreign Ministers, and such persons as members might introduce." On the 11th January, 1802, an attempt was made to amend so as to exclude persons "introduced by members," which failed. On the 8th November, 1804, a proposition was made to confine the privilege to *Senators*, which also failed. On the 17th December, 1805, *officers of State Governments* were excluded. On the 1st of February, 1808, a proposition was made to admit ex-members of Congress and the judges of the Supreme Court; after a good deal of debate, it was rejected. On the 11th February, 1809, the rule was enlarged so as to admit judicial officers of the United States, as also ex-members of Congress. On the 25th February, 1814, those who had been heads of departments were admitted. On the 10th February, 1815, officers who had received the thanks of Congress were included. On the 12th January, 1816, the Navy Commissioners. On the 21st February, 1816, Governors of States and Territories. March 13, 1822, the President's Secretary. On the 26th January, 1833, the rule was further enlarged by admitting "*such persons as the Speaker or a member might introduce;*" and on the 10th December, 1833, the House, by a vote almost unanimous, rescinded that amendment. It has undergone no amendment since.

This rule has been much abused by admitting members of State legislatures, under the clause relating to legislatures of *foreign* governments. To show how little ground there is for this construction, the House, on the 26th December, 1821, and 2d January, 1835, rejected motions to admit members of State legislatures. On the 4th January, 1819, a proposition to admit members of Congress elect was rejected.

19. No person shall be allowed the privilege of the hall, under the character of stenographer, without a written permission from the Speaker, specifying the part of the hall assigned to him; and no reporter or stenographer shall be admitted, under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report.—*March 1, 1838.* And no person shall be admitted, under the rules of the House, as a reporter or stenographer for any paper or papers, who shall be employed as an agent to prosecute any claim pending before Congress; and the Speaker shall give his written permission with this condition; and not more than one reporter or stenographer shall be assigned the same seat.—*December 13, 1852.*

20. The doorkeeper shall execute strictly the 17th and 18th rules, relative to the privilege of the hall.—*March 1, 1838.*

21. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities.—*April 13, 1789, and act June 1, 1789.* He shall be deemed to continue in office until another be appointed.*—*March 1, 1791.*

* There is no law, resolution, rule, or order, directing the appointment of the Clerk of the House. On the 1st of April, 1789, being the first day that a quorum of the House assembled under the new Constitution, the House immediately elected a Clerk by ballot, without a previous order having been passed for that purpose; although, in the case of a Speaker, who was chosen on the same day, an order was previously adopted. A Clerk has been regularly chosen at the commencement of every Congress since.

ORDER OF BUSINESS OF THE SESSION.

22. After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions,* and reports which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place.—*March 17, 1848.*

ORDER OF BUSINESS OF THE DAY.

23. As soon as the Journal is read, the Speaker shall call for petitions from the members of each State and delegates from each Territory, beginning with Maine†—*December 23, 1811*, and the Territory of Wisconsin,‡ alternately—*September 15, 1837*; and if on any day the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day—*December 23, 1811*: provided that, after the first thirty days of the session, petitions shall not be received, except on the first day of the meeting of the House in each week.—*March 13, 1822.*

* The word “*resolutions*,” as here used, has been construed to apply to joint resolutions only.

† This was adopted before the State of Maine came into the Union; and the call commenced with New Hampshire. On the 13th March, 1822, it was altered so as to commence with *Maine*.

‡ This rule was adopted before Iowa was constituted a Territory; and, although no order has been taken by the House, the Speaker substitutes Iowa for Wisconsin.

24. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer; they shall not be debated on the very day of their being presented; nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.*—*September 14, 1837.* Members having petitions and memorials to present may hand them to the Clerk, endorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the Journal, subject to the control and direction of the Speaker; and if any petition or memorial be so handed in, which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received.—
March 29, 1842.

25. The petitions having been presented and disposed of, reports from committees shall be called for and disposed of—*December 23, 1811;* in doing which, the Speaker shall call upon each standing committee, in the order they are named in the 76th and 104th rules; and when all the standing committees shall have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the

* With the exception of the clause commencing with the words—"nor on any day assigned," &c., this rule is in substance the same as it was originally established on the 7th April, 1789.

call upon the committees before the House passes to other business, he shall resume the next call where he left off.—*September 15, 1837.* Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions: provided that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.—*January 14, 1829.*

26. All the States and Territories shall be called for resolutions on each alternate Monday during each session of Congress; and, if necessary to secure this object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to resolutions, until all the States and Territories are called through.—*February 6, 1838.*

27. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day—*January 5, 1832;* which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

- 1st. Message and other Executive communications.
- 2d. Messages from the Senate, and amendments proposed by the Senate to bills of the House.
- 3d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees and put under way; but if, on being read a second time,

no motion being made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.
4th. Engrossed bills and bills from the Senate on their third reading.

5th. Bills of the House and from the Senate, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications, and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.—*September 14, 1837.*

28. The business specified in the 26th and 27th rules shall be done at no other part of the day, except by permission of the House.—*December 23, 1811.*

LOCAL OR PRIVATE BUSINESS.

29. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.—*January 22, 1810, and January 26, 1826.**

* Under the rule of 26th April, 1823, relative to a postponement or change of the order of business, it has been decided that it takes *two-thirds* to proceed to public business on Friday and Saturday. The reason of this decision is, that the rule of the 26th April, 1828, made no exception in favor of the clause, for a *majority*, contained in this rule, and that therefore that provision was annulled. There have been three appeals upon this point, but the House in all instances affirmed the decision in favor of two-thirds.

30. On the first and fourth Friday of each month, the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of.—*January 25, 1839.*

OF DECORUM AND DEBATE.

31. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to “Mr. Speaker”—*April 7, 1789*; and shall confine himself to the question under debate, and avoid personality.—*December 23, 1811.*

32. Members may address the House or committee from the Clerk’s desk, or from a place near the Speaker’s chair.

33. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.—*April 7, 1789.*

34. No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: provided, that where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege on debate shall be allowed in favor of and against any

amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee.*—December 18, 1847.

35. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate:† if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; *if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House;*‡ and if the case require it, he shall be liable to the censure of the House.—April 7, 1789, and March 13, 1822.

36. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for

* Although this was not finally adopted as a rule of the House until the 7th July, 1841, motions had been repeatedly made to the same effect for about twenty years preceding. In consequence of adopting the rules of the Twenty-sixth Congress at the second session of the Twenty-seventh Congress, the amendments (and this was one) made at the extra session of the Twenty-seventh Congress fell. It was again adopted June 13, 1842.

† See rule 2, with note appended to it.

‡ That part of this rule which is printed in *italic* was adopted on the 13th March, 1822, with the exception of the words “in case any member object,” which were inserted on the 14th September, 1837.

words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.—*September 14, 1837.*

37. No member shall speak more than once to the same question, without leave of the House *—*April 7, 1789*—unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.—*January 14, 1840.*

38. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day, shall be permitted again to speak without leave.†—*April 7, 1789.*

39. While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking shall pass between him and the chair.—*April 7, 1789.* Every member shall remain uncovered during the session of the House.—*September 14, 1837.* No member or other person shall visit or remain by the Clerk's table

* This rule, as originally adopted on the 7th April, 1789, permitted a member to speak *twice*, and ended with the word *House*. It remained unchanged until the 14th January, 1840, when it was established as it now stands.

† There is no proceeding in the House to which this rule can be applied. It was originally framed in reference to that law of Parliament which says that all pending questions are lost by adjournment, and to be again considered must be moved anew. In the rules as revised and established on the 7th January, 1802, the prohibition to speak on the next day was confined to those who had spoken *twice* on the preceding day. It so remained until the 14th January, 1840, when the word *twice* was left out.

while the ayes and noes are calling, or ballots are counting.—*September 14, 1837.*

40. No member shall vote on any question in the event of which he is immediately and particularly interested,* or in any case where he was not within the bar of the House when the question was put.†—*April 7, 1789.* And when any member shall ask leave to vote, the Speaker shall propound to him the question, “*Were you within the bar when your name was called?*”—*September 14, 1837.*

41. Upon a division and count of the House on any question, no member without the bar shall be counted.—*November 13, 1794.*

42. Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reason, shall excuse him.‡—*April 7, 1789.* All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without further debate.—*September 14, 1837.*§

* Of late, differences of opinion have occasionally arisen as to the *kind* of interest alluded to in this rule. It has been contended to apply to members who were merchants or manufacturers, or engaged in other business to be affected by tariffs or other bills touching rates of duties, &c. This construction has never been sustained by the House. The original construction, and the only true one, is direct *personal* or *pecuniary* interest.

† As originally adopted, the word *present* was used in this rule where the words “*within the bar of the House*” now appear. The alteration was made on the 14th September, 1837.

‡ By rule 41, the date of which is subsequent in date to this, a member who may be “in the House” is not allowed to vote unless he be “within the *bar*,” upon a division or count of the House.

§ That part of rule 42 which allowed a brief verbal statement of reasons to be given by any member for requesting to be excused from voting, rescinded January 2, 1845.—*Journal H. R. 115.*

43. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated.—*April 7, 1789.*

44. Every motion shall be reduced to writing if the Speaker or any member desire it.—*April 7, 1789.* Every *written* motion made to the House shall be inserted on the Journals, with the name of the member making it, unless it be withdrawn on the same day on which it was submitted.—*March 26, 1806.*

45. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn at any time before a decision or amendment.—*April 7, 1789.*

46. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged*—*March 13, 1822;* and no motion to postpone to

* This rule, as originally established, April 7, 1789, read thus: “When a question is under debate, no motion shall be received unless to *amend* it, to *commit* it, for the *previous* question, or to *adjourn*.” On the 13th November, 1794, the *motion to postpone to a day certain* was introduced next after the previous question. On the 17th December, 1805, the rule was changed as follows: 1st, the previous question; 2d, to postpone indefinitely; 3d, to postpone to a day certain; 4th, to lie; 5th, to commit; 6th, to amend; 7th, to adjourn. On the 23d December, 1811, the order was changed as follows: 1st, to adjourn; 2d, to lie; 3d, the previous question; 4th, to postpone indefinitely; 5th, to postpone to a day certain; 6th, to commit; 7th, to amend. On the 13th March, 1822, they were classed as above, and were declared, for the first time, to have precedence according to their arrangement; previous to which, the notions of the Speaker often governed as to the precedence of these motions, and hence the direction of the rule.

a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

47. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a Standing Committee; a Select Committee.—*March 13, 1822.*

48. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order*—*April 7, 1789, and January 14, 1840*; these motions, and the motion to lie on the table, shall be decided without debate.†—*November 13, 1794; March 13, 1822.*

49. The hour at which every motion to adjourn is made shall be entered on the Journal.—*October 9, 1837.*

50. The previous question shall be in this form: “Shall the main question be now put?”—*April 7, 1789.* It shall

* It has been decided and acted upon, that, under this rule, “a motion to fix the day to which the House shall adjourn” takes precedence of a motion to adjourn. The reason of this decision is, that, before the House adjourned, it was proper to fix the time to which it should adjourn. To this decision, and upon this reasoning, no objection has been made.

† In the first rules established by the House on the 7th April, 1789, it was directed that “when the House adjourns, the members shall keep their seats until the Speaker goes forth, and then the members shall follow.” This rule was left out of the rules established 13th November, 1794. On the 13th March, 1822, a rule was adopted prohibiting a motion to adjourn before four o’clock, if there was a pending question; it was rescinded on the 13th of March, 1824. On the 13th of March, 1822, a rule was also adopted against the rising of the Committee of the Whole before four o’clock, which was abrogated on the 25th of March, 1824.

only be admitted when demanded by a majority of the members present—*February 24, 1812*; and its effects shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then—*August 5, 1848*—upon pending amendments, and then upon the main question.—*January 14, 1840*. On a motion for the previous question,* and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.†—*September 14, 1837.*

* The previous question was recognised in the rules established April 7, 1789, and could be demanded by five members, (the parliamentary law places it in the power of two members—one to move, the other to second.) On the 23d December, 1811, it was placed on a footing with the yeas and nays: that is, at the command of *one-fifth of the members* present. It remained so until the 24th February, 1812, when the rule was changed to its present form of a *majority*. According to former practice, the previous question brought the House to a direct vote on the *main* question; that is, to agree to the main *proposition*, to the exclusion of all amendments and incidental motions; but on the 14th January, 1840, it was changed to its present form—first to embrace *pending* amendments, and then the main proposition.

The original intent of the previous question was, to ascertain the sense of the House, in the early stages of a subject, as to the propriety of entertaining the matter; and, if decided affirmatively, the debate went on; if decided negatively, the debate ceased, and the subject passed from before the House without motion or further question. This was the practice in Congress under the Confederation; and it is still the practice in the British Parliament. Now, by the practice of the House, as well as by the terms of the rule, it is reversed: if the motion for the previous question is decided in the affirmative, debate ceases, and the House proceeds to vote; if in the negative, the proceedings go on as if the motion for the previous question had not been made.

† See rules 63 and 64, for mode of proceeding in a call of the House.

51. On a previous question there shall be no debate.*—*December 17, 1805.* All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.—*September 15, 1837.*

52. When a question is postponed indefinitely, the same shall not be acted upon again during the session.—*December 17, 1805.*

53. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House.—*September 15, 1837.* A motion to strike out and insert shall be deemed indivisible—*December 23, 1811;* but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.—*March 13, 1822.*

54. Motions and reports may be committed at the pleasure of the House.—*April 7, 1789.*

55. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.†—*March 13, 1822.* No bill or resolution

* The rules, as established 7th April, 1789, allowed each member to speak once on the previous question; that is, Shall the main question be now put? and so remained until the 17th December, 1805, when debate was prohibited; yet, on the 15th December, 1807, *after the previous question had been ordered*, the House, on an appeal from the Speaker, reversed his decision, and decided that the main question was open to further debate—103 to 14, no party vote. This decision was reaffirmed by the House December 2, 1808—yeas 101, nays 18.

† This rule was originally established on the 7th April, 1789, and was in these words: “No new motion or proposition shall be admitted, under color

shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.*—*September 15, 1837.*

56. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof—*January 7, 1802*—on the same or succeeding day—*December 23, 1811*; and such motion shall take precedence of all other questions, except a motion to adjourn†—*May*

of amendment, as a *substitute* for the motion or proposition under debate.” On the 13th March, 1822, it was changed to its present form, in which the words *new* and *substitute* do not appear.

* The latter clause of this rule was adopted at the first session of the 25th Congress; and, as originally reported by the committee, the following words were contained at the end of it: “Nor by any proposition containing *the substance*, in whole or in part, of any other bill or resolution pending before the House.” These words were stricken out by the House before it would agree to the rule; by which it would seem to be decided that a bill or resolution might be amended by incorporating therein the *substance* of any other bill or resolution before the House. Such has been the general practice of the House.

† A difference of opinion and a discrepancy in action have sometimes occurred in administering this rule. Twenty years ago, and previously, a motion to reconsider could not be made after the subject was disposed of, if there was another subject before the House, until that subject had passed away; it was then often too late to make the motion. It was under this practice that Mr. Randolph was unable to move a reconsideration of the settlement of the celebrated Missouri question, (notice of which he gave out of time,) as, before he could do so, the bill had been taken to the Senate. The practice, of late years, has been changed, so as to allow the motion to reconsider to be made at any moment within the prescribed time. If the motion be made when a different subject is before the House, it is entered, and remains until that subject is disposed of, and then “takes precedence of all other business, except a motion to adjourn.” When any final vote has been taken, and a motion made to reconsider, that motion

6, 1828—and shall not be withdrawn after the said succeeding day without the consent of the House; and thereafter any member may call it up for consideration.—*March 2, 1848.*

57. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.*—*November 13, 1794.*

58. The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.—*November 13, 1794.*

59. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.—*April 7, 1789.*

60. The name of the member who presents a petition or memorial, or who offers a resolution to the consideration of

may be laid on the table; in which case, according to the practice of several years past, the vote stands as though the motion to reconsider had not been made. This is correct; as, if the House wished to retain the matter, it would agree to the motion to reconsider, instead of laying it on the table. Motions to reconsider should be promptly acted on, otherwise it is in the power of a single member (voting on the strong side against his sentiments, solely for the purpose of placing himself in a situation to make the motion) to arrest business which a majority have determined to despatch.

* As originally adopted, this rule contained, after the word "for," the words "which had before been read to the House." They were stricken out on the 14th December, 1795.

the House, shall be inserted on the Journals.—*March 22, 1806.*

61. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the executive departments, or by the Postmaster General—*December 13, 1820*—or to print an extra number of any document or other matter, excepting messages of the President to both houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House—*December 13, 1820*; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered.—*January 22, 1822.*

62. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.—*April 7, 1789.*

63. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted: after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.*—*November 13, 1789, and December 14, 1795.*

* The rule as originally established in relation to a call of the House, which was on the 13th of November, 1789, differed from the present rule

64. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.—*November 13, 1794.*

65. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.—*April 17, 1789.*

66. No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend.—*April 13, 1789.*

67. A Sergeant-at-arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings;* to execute the commands of the House from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.—*April 14, 1789.*

in this: there was one day's notice to be given, and it required a vote of the House, and not *fifteen* members, to order a member into custody. It was changed to its present form on the 14th December, 1795. On the 7th January, 1802, it was changed back to its original form, to require "an order of the House" to take absent members into custody, and so remained until the 23d December, 1811, when it was again changed to what it is now—*i. e.*, fifteen members.

* In the rules established November 13, 1794, the Sergeant was empowered to appoint a "special messenger" to execute the commands of the House. This authority was stricken from the rules established on the 14th December, 1795.

68. The symbol of his office (the mace) shall be borne by the Sergeant-at-arms when in the execution of his office.*
April 14, 1789.

69. The fees of the Sergeant-at-arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, one-tenth of a dollar per mile.—*April 14, 1789.*

70. It shall be the duty of the Sergeant-at-arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required to do so, to draw the money on such checks for the members, (the same being previously signed by the Speaker, and endorsed by the member,) and pay over the same to the member entitled thereto.—*April 4, 1838.*

* At the time this rule was adopted, "a proper symbol of office" for the Sergeant-at-arms was directed to be provided, "of such form and device as the Speaker should direct." In pursuance of this order, a mace, or "symbol," was procured, which represented the Roman fasces, made of ebony staves, bound transversely with a thin silver band, terminating in a double tie or beau-knot near the top; at each end a silver band an inch deep, and on the top of each of the rods a small silver spear. A stem of silver, three-fourths of an inch in diameter, and two inches long, from the centre of the fasces, supported a globe, of silver, about two and a half inches in diameter, upon which was an eagle, his claws grasping the globe, and just in the act of flight, his wings somewhat more than half extended. The eagle was massive silver, richly carved. The design was fine, and its whole execution beautiful; the entire height about three feet. The mace was destroyed at the conflagration of the Capitol on the 24th August, 1814, and was not replaced until recently. A temporary one was hastily gotten up (of common pine and painted) for the then next session of Congress, and was tolerated till the session of 1841-'42, when the splendid one now in use was procured.

71. The Sergeant-at-arms shall give bond, with surety, to the United States, in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members.—*April 4, 1838.*

72. The Sergeant-at-arms shall be sworn to keep the secrets of the House.—*December 23, 1811.*

73. A Doorkeeper shall be appointed for the service of the House.*—*April 2, 1789.*

74. The Doorkeeper shall be sworn to keep the secrets of the House.—*December 23, 1811.*

75. The Postmaster, to superintend the post office kept in the Capitol for the accommodation of the members, shall be appointed by the House.†—*April 4, 1838.*

76. Twenty-eight standing committees shall be appointed at the commencement of each session, viz:

* The rule of 1789 provided for the appointment of an *Assistant Doorkeeper*, and so continued until Colonel John W. Hunter, the incumbent, died, in December, 1841, and the House, on the 13th of that month, abolished the office.

† Immediately after the organization of the government under the present Constitution, a room was set apart in the Capitol for the reception and distribution of letters and packets to and from members of the House, without an order for that purpose, and was called the post office; it was superintended by the *Doorkeeper* and his assistants. On the 9th of April, 1814, a special allowance was made to the *Doorkeeper* to meet the expenses of this office, and he was authorized to appoint a postmaster. The office continued on this footing till April 4, 1838, when an order was passed, as above, for the appointment of the postmaster by the House itself.

A Committee of Elections.— <i>Nov. 13, 1789.</i>	} To consist of nine mem- bers each.
A Committee of Ways and Means.— <i>Jan. 7, 1802.</i>	
A Committee of Claims.— <i>Nov. 13, 1794.*</i>	
A Committee on Commerce.— <i>Dec. 14, 1795.†</i>	
A Committee on the Public Lands.— <i>Dec. 17, 1805.‡</i>	
A Committee on the Post Office and Post Roads.— <i>Nov. 9, 1808.§</i>	

* Originally, the Committee of Claims was charged with revolutionary and land claims, and all sorts of pensions. On the 22d December, 1813, the duties of that committee were divided, and a committee was appointed, called the *Committee on Pensions and Revolutionary Claims*. On the 9th of December, 1825, a separate Committee on *Revolutionary Pensions* was created, leaving the business of *Invalid* pensions to the committee created on the 22d December, 1813. On the 13th December, 1825, four days after its institution, the designation of the Committee on Revolutionary Pensions was changed to the Committee on *Military Pensions*, and it was charged with both revolutionary and invalid pensions. On the 10th January, 1831, the Committee on Military Pensions became the present Committee on *Revolutionary Pensions*, and an additional committee was created called the *Committee on Invalid Pensions*; and the pension business was apportioned to the two committees, as set out in the duties assigned to the committees.

† This committee was originally a Committee on Commerce and *Manufactures*. On the 8th December, 1819, a Committee on *Manufactures* was constituted, but no duties have been assigned to that committee in the rules.

‡ The 3d of January, 1805, was the first time at which it was proposed to appoint a Committee on Public Lands. The proposition was then made by Mr. John Boyle, of Kentucky, and was *rejected*. On the 17th December, 1805, the committee was constituted for the first time. Previous to that day the business relating to the lands of the United States was sent either to the Committee of Claims or to a select committee, and frequently in parts to both.

§ From the earliest stages of the government, a *select* committee was annually raised upon the subject of "the Post Office and Post Roads," and was always composed of a member from each State. A *standing* committee was instituted on the 9th November, 1808, and, like the select committees, was directed to be composed of a member from each State. On the 23d December, 1811, it was directed to be composed of the same number of members as the other standing committees.

A Committee for the District of Columbia.— <i>Jan. 27, 1808.</i>	To consist of nine mem- bers each.
A Committee on the Judiciary.— <i>June 3, 1813.</i>	
A Committee on Revolutionary Claims.— <i>Dec. 22, 1813.*</i>	
A Committee on Public Expenditures.— <i>Feb. 26, 1814.</i>	
A Committee on Private Land Claims.— <i>April 29, 1816.†</i>	
A Committee on Manufactures.— <i>Dec. 8, 1819.‡</i>	
A Committee on Agriculture.— <i>May 3, 1820.‡</i>	
A Committee on Indian Affairs.— <i>Dec. 18, 1821.‡</i>	
A Committee on Military Affairs.— <i>March 13, 1822.</i>	
A Committee on the Militia.— <i>Dec. 10, 1835.</i>	
A Committee on Naval Affairs.— <i>March 13, 1822.</i>	
A Committee on Foreign Affairs.— <i>March 13, 1822.</i>	
A Committee on the Territories.— <i>Dec. 13, 1825.</i>	
A Committee on Revolutionary Pensions.— <i>Dec. 9, 1825.§</i>	
A Committee on Invalid Pensions.— <i>Jan. 10, 1831.</i>	
A Committee on Roads and Canals.— <i>Dec. 15, 1831.</i>	
A Committee on Patents.— <i>Sept. 15, 1837.</i>	To consist of five mem- bers each.
A Committee on Public Buildings and Grounds.— <i>Sept. 15,</i> <i>1837.</i>	
A Committee of Revisal and Unfinished Business.— <i>Dec. 14,</i> <i>1795.</i>	
A Committee of Accounts.— <i>Nov. 7, 1804. </i>	
A Committee on Mileage.— <i>Sept. 15, 1837.</i>	
A Committee on Engraving, to consist of three members.— <i>March 16, 1844.</i>	

77. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or

* See note (*) page 74.

† When the Committee on Private Land Claims was first constituted, it was composed of five members, two less than the other committees. On the 19th December, 1817, it was directed to be composed of seven members.

‡ There are no duties assigned to the Committees on Manufactures, Agriculture, and Indian Affairs, in the rules.

§ See note (*) page 74.

|| The Committee of Accounts was first constituted as a select committee on the 7th November, 1804; it was made a standing committee December 17, 1805.

other credentials, of the members returned to serve in this House; and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.—*November 13, 1789; November 13, 1794.*

78. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon; [to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.]*—*January 7, 1802.*

In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred

* That portion of the duty of the Committee of Ways and Means which is printed within brackets was originally adopted on the 7th January, 1802. On the 26th February, 1814, the Committee on Public Expenditures was created and added to the list of standing committees. The duties of this latter committee are exactly those contained in that portion of the duties of the Committee of Ways and Means which is referred to in this note as within brackets. (See rule 89.) The words ought to be stricken from the specification of the duties of the Committee of Ways and Means.

to them for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.—*January 30, 1819.*

79. It shall also be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills—for the civil and diplomatic expenses of government; for the army; for the navy; and for the Indian department and Indian annuities; or, in failure thereof, the reasons of such failure.—*September 14, 1837.*

80. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.—*September 14, 1837.*

No. 81. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law—*September 14, 1837*—unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government.—*March 13, 1838.*

82. It shall be the duty of the Committee of Claims to take into consideration all such petitions and matters or things touching claims and demands on the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief

therein as to them shall seem expedient.—*November 13, 1794.*

83. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report, from time to time, their opinion thereon.*—*December 14, 1795.*

84. It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.—*December 17, 1805.*

85. It shall be the duty of the Committee on the Post Office and Post Roads to take into consideration all such petitions and matters or things touching the post office and post roads as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*November 9, 1808.*

86. It shall be the duty of the Committee for the District of Columbia to take into consideration all such peti-

* This committee was originally a Committee on Commerce and Manufactures. On the 8th December, 1819, a separate Committee on Manufactures was constituted, and the duties of the original Committee on Commerce and Manufactures have been confirmed, as above, by leaving out the words “and Manufactures.” There are no duties assigned in these rules to the Committee on Manufactures.

tions and matters or things touching the said District as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*January 27, 1808.*

87. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*June 3, 1813.*

88. It shall be the duty of the Committee on Revolutionary Claims to take into consideration all such petitions and matters or things touching claims and demands originating in the revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*December 22, 1813.*

89. It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.*—*February 26, 1814.*

* See note to rule 78. And further: on the 30th March, 1816, six Committees on Expenditures in the several departments of the government were

90. It shall be the duty of the Committee on Private Land Claims to take into consideration all claims to land which may be referred to them, or shall or may come in question; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.—*April 29, 1816.*

91. It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.—*March 13, 1822.*

92. It shall be the duty of the Committee on the Militia to take into consideration and report on all subjects connected with the organizing, arming, and disciplining the militia of the United States.—*December 10, 1835.*

93. It shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.—*March 13, 1822.*

94. It shall be the duty of the Committee on Foreign Affairs to take into consideration all matters which concern the relations of the United States with foreign nations, and

created and added to the list of standing committees. The duties assigned to these several committees would seem entirely to cover the duties of the Committee on Public Expenditures. (See rules 105 and 106.)

which shall be referred to them by the House, and to report their opinion on the same.—*March 13, 1822.*

95. It shall be the duty of the Committee on Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.—*December 13, 1825.*

96. It shall be the duty of the Committee on Revolutionary Pensions to take into consideration all such matters respecting pensions for services in the revolutionary war, other than invalid pensions, as shall be referred to them by the House.—*January 10, 1831.*

97. It shall be the duty of the Committee on Invalid Pensions to take into consideration all such matters respecting invalid pensions as shall be referred to them by the House.—*January 10, 1831.*

98. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.—*December 15, 1831.*

99. It shall be the duty of the Committee on Patents to consider all subjects relating to patents which may be referred to them ; and report their opinion theron, together with such propositions relative thereto as may seem to them expedient.—*September 15, 1837.*

100. It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the city of Washington which may be referred to them; and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.—*September 15, 1837.*

101. It shall be the duty of the Committee of Revisal and Unfinished Business to examine and report what laws have expired, or are near expiring, and require to be revived or further continued; also to examine and report, from the Journal of last session, all such matters as were then depending and undetermined.—*December 14, 1795.*

102. It shall be the duty of the Committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives—*December 17, 1805*; also to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House.*—*December 23, 1811.*

103. It shall be the duty of the Committee on Mileage to ascertain and report the distance, to the Sergeant-at-arms, for which each member shall receive pay.†—*September 15, 1837.*

* So much of this rule as directs the Committee of Accounts to audit and settle the mileage and daily pay of the members was adopted at the first session of the Twelfth Congress, (1811.) At the first session of the Twenty-fifth Congress, (1837,) a standing Committee on Mileage was created, for the especial purpose of ascertaining and reporting the mileage for which each member shall receive pay. (See rule 103.)

† See rule and note to rule 102.

104. There shall be appointed a standing committee of this House, to consist of three members, to be called the Committee on Engraving,* to whom shall be referred by the Clerk all drawings, maps, charts, or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way; which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract by agreement, in writing, for all such engraving, lithographing, printing, drawing, and coloring, as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts, to govern said committee in all allowances for such works; and it shall be in order for said committee to report at all times.—*March 16, 1844.*

105. Six additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duties shall continue until the first session of the ensuing Congress.—*March 30, 1816.*

* The resolution of Congress "regulating the printing of Congress, and establishing the compensation for the same," approved July 23, 1846, provides that "when any order for printing requires maps or charts, the same shall be obtained under the direction of the Committee on Contingent Expenses of the House making such order."

1. A committee on so much of the public accounts and expenditures as relate to the Department of State;
 2. A committee on so much of the public accounts and expenditures as relate to the Treasury Department;
 3. A committee on so much of the public accounts and expenditures as relate to the Department of War;
 4. A committee on so much of the public accounts and expenditures as relate to the Department of the Navy;
 5. A committee on so much of the public accounts and expenditures as relate to the Post Office; and
 6. A committee on so much of the public accounts and expenditures as relate to the Public Buildings;
- To consist of five members each.

106. It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

Whether the expenditures of the respective departments are justified by law;

Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers, establishing their justness both as to their character and amount;

Whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; and

Whether any, and what provisions are necessary to be adopted, to provide more perfectly for the proper application of the public moneys, and to secure the government from demands unjust in their character or extravagant in their amount.

And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what retrenchment can be made in the expenditures of the sev-

ral departments, without detriment to the public service ; whether any, and what abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others ; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several departments and the accountability of their officers.*—*March 30, 1816.*

† It shall be the duty of the several committees on Public Expenditures to inquire whether any offices belonging to the branches or departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary ; and to report, from time to time, on the expediency of modifying or abolishing the same : also, to examine into the pay and emoluments of all offices under the laws of the United States ; and to report, from time to time, such a reduction or increase thereof as a just economy and the public service may require.—*February 19, 1817.*

107. The several standing committees of the House shall have leave to report by bill or otherwise.—*March 13, 1822.*

108. No committee shall sit during the sitting of the House, without special leave.—*November 13, 1794.*

109. It shall be the duty of the Clerk to make, and cause to be printed, and delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or department of the government to make to Congress ; referring to the act

* See notes to rules 78 and 89.

† This part of the duties of those committees was, previous to 1841, overlooked, and omitted in the printed editions.

or resolution, and page of the volume of the Laws or Journal in which it may be contained; and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.—*March 13, 1822.*

110. It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journals thereof to the Executive, and to each branch of the legislature of every State.—*November 13, 1794.*

111. All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the Journal of every session.—*December 23, 1811.*

112. Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-arms, and Doorkeeper,* and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether the matter communicated requires

* In the rule as originally established on the 17th February, 1792, it is provided that the House be cleared of all persons, except "the members and the Clerk." In the rules of the 13th November, 1794, the language used is "the members of the House and its *officcrs*." In the edition of 7th January, 1802, the terms "members and Clerk" are again used; and on the 23d December, 1811, it was changed to its present form, so as to include the Sergeant-at-arms and Doorkeeper.

secrecy or not, and take order accordingly.—*February 17, 1792, and December 30, 1793.*

113. All questions relating to the priority of business to be acted on, shall be decided without debate.—*February 21, 1803.*

OF BILLS.

114. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion* in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for: such motion, or the bill when introduced, may be committed.—*April 7, 1789; September 15, 1837; and March 2, 1838.*

115. Every bill shall receive three several readings in the House, previous to its passage; and bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.
—*April 7, 1789.*

* In the early stages of the government, before the institution of standing committees, it was the common practice to introduce bills, on motion for leave, by individual members; the bills were then referred to a select committee, to examine and report upon. The practice, however, of introducing bills by members, on leave, gradually grew into disuse as standing committees were created, and, for nearly thirty years, no case occurs on the Journals. A few cases have occurred within the last five or six years. It is an inconvenient practice, and does not facilitate business. Previous to the 13th March, 1822, so strict was the House upon the introduction of bills, that standing committees had to obtain leave, in every case, to report by bill. On that day the 107th rule was adopted.

116. The first reading of a bill shall be for information, and, if opposition be made to it, the question shall be, “Shall this bill be rejected?” If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.*—*April 7, 1789.*

117. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the Whole House: if to a Committee of the Whole House, the House shall determine on what day—*November 13, 1794*; if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker’s table, to be taken up in order.—*September 14, 1837.* But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.—*November 13, 1794.*

* But not on the day of its introduction; that is prohibited by rule 115. The meaning of the rule is, that it passes to its second reading the *next day* “without motion or question;” it is the duty of the Speaker then to take it up, and give it the second reading when clearing his table under the 25th rule. If no opposition be made to a bill, or if the question to reject be negatived, and the bill receives its second reading forthwith, (as is usual,) it is always *understood* that it is by “special order of the House.” In the rapid and hurried manner in which bills are now reported and acted upon, the motion is seldom or never made, nor is the question put, “Shall the bill be *now* read a second time? The Speaker takes it for granted that the motion has been made and allowed, and announces the second reading as soon as the first reading is completed. When a bill is read the first time, and no disposition of it be moved, it remains on the Speaker’s table, to receive its second reading on the next day, as matter of course, in the third class of the 25th rule.

118. Not more than three bills, originating in the House, shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.—*December 29, 1817.*

119. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection.*—*March 13, 1822.*

120. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.†—*April 7, 1789.*

* The Manual states that, if a committee be opposed to the whole paper or bill, and think it cannot be made good by amendment, the committee cannot reject it, but must report it back to the House without amendment, and there make their opposition. In 1814, a Committee of the Whole struck out the first and only section of a bill, and so reported to the House. Mr. Speaker Cheves refused to receive the report, on the ground that it was tantamount to a rejection of the bill, which the committee had not power to do. After this, that the merit of questions might be tested in Committee of the Whole, rule 119 was adopted. The Manual provides that a paragraph or section may be first amended by its friends, so as to make it as perfect as they can before the question is put for striking it out. By this rule, (*i. e.*, rule 119,) it is *expressly established* that a motion to strike out, for the purpose of destroying, shall be paramount to a motion to amend. Rule 139 provides that the Manual shall govern in cases in which it is applicable, where it is *not inconsistent* with established rules. In the case, then, of giving precedence to motions to insert or to amend over motions to strike out or reject, it is clearly inconsistent with an established rule and consequently the practice of the House for the last few years has been in violation of the 119th rule.

† A difference of opinion often arises as to the construction of this rule. Anciently it was held and practised upon, according to its terms, that a bill could be recommitted *at any time* before its passage. Of late years it has

121. All bills ordered to be engrossed shall be executed in a fair round hand.—*April 7, 1789.*

122. No amendment by way of *rider* shall be received to any bill on its third reading.—*April 8, 1814.*

123. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.—*April 7, 1789.*

OF COMMITTEES OF THE WHOLE HOUSE.

124. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.*—*April 7, 1789.*

125. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.†—*April 7, 1789.*

been decided that, if the previous question on its passage be ordered, a motion to recommit is not in order, but that the question must be put on the passage of the bill. I think the practice unsound. The intention of a recommitment is for the purpose of perfecting the bill, and it is endangered by forcing its passage in an imperfect state.

* For more than forty years it was held and practised, under this rule, that the House could resolve itself into a Committee of the Whole on the state of the Union at any time. Recently, however, a different practice prevailed, it being held that several of the rules prescribing the order of business, as well as special orders, interposed to prevent it; in consequence of which, the House, on the 1st June, 1840, amended the 135th rule so as to go into Committee of the Whole on the state of the Union *at any time*; in other words, restored the ancient practice under the 124th rule.

† Originally the rule was silent as to the mode of appointing a chairman of the Committee of the Whole. He was appointed by the House by *nomination* and vote thereon. That practice became very inconvenient; and on the 13th November, 1794, the rule was amended by adding “by the Speaker.”

126. Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal.—*December 18, 1847.*

127. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House.* After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.—*April 7, 1789.*

128. All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.—*April 7, 1789.*

129. All amendments made to a report committed to a Committee of the Whole House shall be noted, and reported, as in the case of bills.—*April 7, 1789.*

130. All questions, whether in committee or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.†—*April 7, 1789.*

* This refers to bills in manuscript and bills from the Senate. It was long after the date of this rule that the practice of printing the bills obtained.

† See rule 46, and the note to that rule, which is explanatory of this rule.

131. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.—*November 13, 1794.*

132. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.—*November 13, 1794.*

133. All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House.*—*November 13, 1794.*

134. The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the times of speaking—*April 7, 1789*; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.—*December 17, 1805.*

135. In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside: provided that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be

* This rule, as first adopted, required all proceedings touching appropriations of money to be first *moved* in Committee of the Whole. The word “*moved*” was struck out on the 17th December, 1805, as it was found, in practice, greatly to retard public business.

preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them.—*July 27, 1848.*

136. No standing rule or order of the House shall be rescinded or changed* without one day's notice being given of the motion therefor—*November 13, 1794*; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present.†—*March 13, 1822*; nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present.—*April 26, 1828.* The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union—*January 25, 1848*—from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.‡—*March 11, 1844.*

137. Except during the last ten days of the session, the Speaker shall not entertain a motion to suspend the rules of

* The words "or changed," were added on the 23d December, 1811.

† This rule was amended at this place, June 18, 1841, [extra session 27th Congress,] by inserting these words: "It shall not be in order to move a suspension of the rules for any purpose until after the daily call for petitions, reports of committees, and resolutions shall be completed, except for a motion to proceed to the orders of the day." At the commencement of the next session, the House adopted the rules of the Twenty-sixth Congress, by which this and all other amendments made at the extra session fell.

‡ December 4, 1843, the rules of the Twenty-seventh Congress were adopted, with the exception of this rule. On the 11th March, 1844, this rule was readopted.

the House at any time, except on Monday of every week : provided nothing herein contained shall be construed to alter so much of the 136th rule as provided as follows: "The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union ; and also for providing for the discharge of the committee from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.—*December 18, 1847.*

138. It shall be in order for the Committee on Enrolled Bills to report at any time.—*March 13, 1822.*

139. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House, and the Joint Rules of the Senate and House of Representatives.—*September 15, 1837.*

140. No person shall be permitted to perform divine service in the chamber occupied by the House of Representatives unless with the consent of the Speaker.—*May 19, 1804.*

141. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows : For each day a witness shall attend, the sum of two dollars ; for each mile he shall travel in coming to or going from the place of examination, the sum of ten cents each way ; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.—*June 5, 1832.*

142. The Clerk shall, within thirty days after the close of each session of Congress, cause to be completed the

printing and primary distribution, to members and delegates, of the Journal of the House, together with an accurate index to the same.—*June 18, 1832.*

143. There shall be retained in the library of the Clerk's office, for the use of the members there, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited in the library.—*December 22, 1826.*

144. The Clerk shall have preserved for each member of the House an extra copy, in good binding, of all the documents printed by order of either House at each future session of Congress.—*February 9, 1831.*

145. The Clerk shall make a weekly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of such orders and proceedings; which statement shall be printed for the use of the members.—*April 21, 1836.*

146. The Clerk shall cause an index to be prepared to the acts passed at every session of Congress, and to be printed and bound with the acts.—*July 4, 1832.*

147. The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker, until the further order of the House.—*May 26, 1824.*

148. Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House.—*March 2, 1837; September 11, 1837.*

149. No committee shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House for that purpose.—*December 14, 1838.*

150. No extra compensation shall be allowed to any officer, or messenger, page, laborer, or other person in the ser-

vice of the House, or engaged in or about the public grounds or buildings; and no person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the government, or be interested in such claim otherwise than an original claimant; and it shall be the duty of the Committee of Accounts to inquire into and report to the House any violation of this rule.—*March 8, 1842.*

151. Upon the engrossment of any bill making appropriations of money for works of internal improvement of any kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately, and others collectively, as the members making the call may specify; and if one-fifth of the members present second said call, it shall be the duty of the Speaker to make such divisions of the question, and put them to vote accordingly.—*February 26, 1846.*

152. The following resolution was passed by the House of Representatives January 30, 1846—*Journal of the House of Representatives, 1st session 29th Congress, page 323:*

“Whereas the Clerk of this House is by law made the responsible officer for the proper disbursement of the contingent fund, and is required to give bond for the faithful disbursement thereof: therefore,

“Resolved, That, from and after the passage of this resolution, all contracts, bargains, or agreements, relative to the furnishing any matter or thing, or for the performance of any labor for the House of Representatives, be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee of Accounts.”

JOINT RULES AND ORDERS

OF

THE TWO HOUSES.

1. In every case of an amendment of a bill agreed to in one house, and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other house shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairmen, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.—*November 13, 1794.*

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the house by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.—*November 13, 1794.*

3. The same ceremony shall be observed when a messenger shall be sent from the House of Representatives to the Senate.—*November 13, 1794.*

4. Messages shall be sent by such persons as a sense of propriety in each house may determine to be proper.—*November 13, 1794.*

5. While bills are on their passage between the two houses, they shall be on paper, and under the signature of the Secretary or Clerk of each house, respectively.—*November 13, 1794.*

6. After a bill shall have passed both houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other house, before it shall be presented to the President of the United States.
November 13, 1794.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.—*November 13, 1794, and February 1, 1827.*

8. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the House of Representatives, then by the President of the Senate.—*November 13, 1794.*

9. After a bill shall have been thus signed in each house, it shall be presented, by the said committee, to the President of the United States, for his approbation, (it being first endorsed on the back of the roll, certifying in which house the same originated; which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which the same did originate,) and shall be entered on the journal of each house. The said committee shall re-

port the day of presentation to the President; which time shall also be carefully entered on the journal of each house.—*November 13, 1794.*

10. All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in the cases of bills.—*November 13, 1794.*

11. When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both houses.—*November 13, 1794.*

12. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

13. When a bill or resolution which has been passed in one house shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that house in which it shall be renewed.

14. Each house shall transmit to the other all papers on which any bill or resolution shall be founded.

15. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

16. No bill that shall have passed one house, shall be sent for concurrence to the other on either of the three last days of the session.—*January 30, 1822.*

17. No bill or resolution that shall have passed the

House of Representatives and the Senate, shall be presented to the President of the United States, for his approbation, on the last day of the session.—*January 30, 1822.*

18. When bills which have passed one house are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the house making the order.—*February 9, 1829.*

19. No spirituous liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto.—*September 18, 1837.*

20. It shall be in order for the Committee on Printing to report any time.—*1st session 30th Congress.*

21. After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports, which originated in either house, and, at the close of the next preceding session, remained undetermined in either house, shall be resumed and acted on in the same manner as if an adjournment had not taken place.—*August 14, 1848.*

22. A committee of three members of the Senate and three members of the House of Representatives shall be appointed by the President of the Senate and Speaker of the House, to be called the Joint Committee on the Public Printing, which committee shall have a right to decide between the superintendent of the public printing and the public printer in any dispute which may arise as to the propriety of the decisions of the superintendent making deductions on account of work which the superintendent may refuse to receive, or which, in his opinion, may not be done with proper despatch, as required by law; and the said com-

mittee shall pass upon the accounts of the superintendent of the public printing. Said committee shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing: provided that no contract, agreement, or arrangement entered into by this committee, shall take effect until the same shall have been approved by that house of Congress to which the printing belongs; and, when the printing delayed relates to the business of both houses, until both houses shall have approved of such contract or arrangement. All motions to print extra copies of any bill, report, or other document, shall be referred to the members of the Committee on Printing from the house in which the same may be made.—*Laws (twelfth section) of the 1st session, 32d Congress.*

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RULES FOR CONDUCTING BUSINESS

IN THE

SENATE OF THE UNITED STATES.

RULES FOR CONDUCTING BUSINESS

IN THE

SENATE OF THE UNITED STATES.

1. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.
2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate.
3. Every member, when he speaks, shall address the Chair, standing in his place; and, when he has finished, shall sit down.
4. No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate.
5. When two members rise at the same time, the President shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first.
6. When a member shall be called to order by the President, or a senator, he shall sit down; and every

question of order shall be decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.

7. If the member be called to order by a senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better able to judge of the matter.

8. No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And, in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

9. No motion shall be debated until the same shall be seconded.

10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated; and any motion may be withdrawn by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a

motion to reconsider, which shall not be withdrawn without leave of the Senate.

11. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

12. If the question in debate contain several points, any member may have the same divided; but, on a motion to strike out and insert, it shall not be in order to move for a division of the question: but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion, simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

13. In filling up blanks, the largest sum and longest time shall be first put.

14. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

15. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

16. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reason he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays,

and upon the call of the house, the names of the members shall be taken alphabetically.

17. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut.

19. No motion shall be deemed in order, to admit any person or persons whatsoever within the doors of the Senate chamber to present any petition, memorial, or address, or to hear any such read.

20. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

21. When the Senate are equally divided, the Secretary shall take the decision of the President.

22. All questions shall be put by the President of the Senate, either in the presence or absence of the President

of the United States; and the senators shall signify their assent or dissent by answering ay or no.

23. The Vice President, or President of the Senate *pro tempore*, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

24. After the journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial or other paper shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial, or other paper, is presented. And before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

25. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; and all bills reported by a committee shall, after the first reading, be printed for the use of the Senate; but no other paper or document shall be printed for the use of the Senate, without special order.

26. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the constitution, or to which the approbation and signature of the President may be requi-

site, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration, and also reports of committees. A motion to suspend, or to concur in a resolution of the House to suspend the 16th and 17th joint rules, or either of them, shall always be in order, be immediately considered, and be decided without debate.

27. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

28. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, as in committee of the whole, the Vice President, or President *pro tempore*, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole: and the chairman so called shall, during such time, have the powers of a President *pro tempore*.

29. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at a third reading of any bill, resolution, amendment, or motion, unless by unani-

mous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

30. No amendment, proposing additional appropriations, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act, or resolution previously passed by the Senate, during that session, or moved by direction of a Standing Committee of the Senate, or in pursuance of an estimate from the Head of some of the Departments; and no amendment shall be received, whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate.

31. The special orders of the day shall not be called by the Chair before one o'clock, unless otherwise directed by the Senate.

32. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

33. The proceedings of the Senate, when not acting as in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or

paper, presented to the Senate, shall also be inserted on the journal.

34. The following standing committees, to consist of five members each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

- A Committee on Foreign Relations.
- A Committee on Finance.
- A Committee on Commerce.
- A Committee on Manufactures.
- A Committee on Agriculture.
- A Committee on Military Affairs.
- A Committee on the Militia.
- A Committee on Naval Affairs.
- A Committee on Public Lands.
- A Committee on Private Land Claims.
- A Committee on Indian Affairs.
- A Committee of Claims.
- A Committee on Revolutionary Claims.
- A Committee on the Judiciary.
- A Committee on the Post Office and Post Roads.
- A Committee on Roads and Canals.
- A Committee on Pensions.
- A Committee on the District of Columbia.
- A Committee on Patents and the Patent Office.

A Committee on Retrenchment, to consist of five members, whose duty it shall be to take into consideration the expenditures of the government in the several departments thereof, and to inquire whether any, and if any, what retrenchment can be made, without injury to the public service; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

A Committee on Territories, to consist of five members.

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate.

A Committee on Public Buildings, to consist of three members, who shall have power also to act jointly with the same committee of the House of Representatives.

A Committee on Printing, to consist of three members, to whom shall be referred every question on the printing of documents, reports, or other matter transmitted by either of the executive departments, and all memorials, petitions, accompanying documents, together with all other matter, the printing of which shall be moved, excepting bills originating in Congress, resolutions offered by any Senator, communications from the legislatures, or conventions lawfully called, of the respective States, and motions to print by order of the standing committees of the Senate; and excepting, also, messages and other communications from the President of the United States, and such reports and communications from the heads of departments as may be made to Congress, or to the Senate, in obedience to law, or in answer to calls from the Senate; and it shall be the duty of such Committee on Printing to report in every case in one day, or sooner, if practicable.

And a Committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of possession of the Senate, and shall deliver the same to the Secretary of the Senate, who shall enter upon the journal that the same have been correctly engrossed.

35. In the appointment of the standing committees, the Senate will proceed, by ballot, severally to appoint the

chairman of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee.

36. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

37. When nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. Nominations neither approved nor rejected during the session at which they are made, shall not be acted upon at any succeeding session without being again made by the President. When the President of the United States shall meet the Senate in the Senate chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

38. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information

only; when no motion to reject, ratify, or modify the whole, or any part, shall be received. Its second reading shall be for consideration and on a subsequent day; when it shall be taken up as in committee of the whole, and every one shall be free to move a question on any particular article, in this form: "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or by leaving out words; in which last case, the question shall be, "Shall these words stand as part of the article?" And in every of the said cases, the concurrence of two-thirds of the senators present shall be requisite to decide affirmatively. And when through the whole, the proceedings shall be stated to the house, and questions shall be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted; the votes so confirmed shall, by the house, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case, the question shall be, "Shall these words stand as part of the resolution?" And in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as on the final question, to advise and consent to the ratification in the form agreed to.

39. All confidential communications, made by the President of the United States to the Senate, shall be by the members thereof kept secret; and all treaties which may

be laid before the Senate shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

40. All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

41. When acting on confidential or executive business, the Senate shall be cleared of all persons, except the Secretary, the principal or the executive clerk, the sergeant-at-arms and doorkeeper, and the assistant doorkeeper.

42. The legislative proceedings, the executive proceedings, and the confidential legislative proceedings of the Senate, shall be kept in separate and distinct books.

43. The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate; and all nominations approved, or definitively acted on by the Senate, shall be returned by the Secretary, from day to day, as such proceedings may occur; but no further extract from the executive journal shall be furnished, except by special order; and no paper, except original treaties transmitted to the Senate by the President of the United States, or any executive officer, shall be returned or delivered from the office of the Secretary, without an order of the Senate for that purpose.

44. When an amendment to be proposed to the constitution is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

45. When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

46. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

47. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

48. The following persons, and none others, shall be admitted on the floor of the Senate: members of the House of Representatives, and their Clerk; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Attorney General, and the Postmaster General; the private secretary of the President, chaplains to Congress, judges of the United States, foreign ministers, and their secretaries; officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct in the service of their country, or who have received medals by a vote of Congress; the governor, for the time being, of any State or Territory of the Union; the ex-governors of the several States; the ex-officers of the Senate; such gentlemen as have been heads of departments, or members of either branch of Congress; persons who, for the time being, belong to the respective State and Territorial legislatures; and persons belonging to such legislatures of foreign governments as are in amity with the United States.

49. The presiding officer of the Senate shall have the regulation of such parts of the Capitol and of its passages, as are or may be set apart for the use of the Senate and its officers.

50. Whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report be adopted by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimants shall present a memorial for that purpose, stating in what manner the committee have erred in their report, or that new evidence has been discovered since the report, and setting forth the new evidence in the memorial: *Provided*, That this rule shall not extend to any case where an adverse report, not in writing, shall have been made prior to the 25th of January, 1842.

51. Any officer or member of the Senate convicted of disclosing for publication any written or printed matter directed by the Senate to be held in confidence, shall be liable, if an officer, to dismissal from the service of the Senate, and, in the case of a member, to suffer expulsion from the body.

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